

**Documents obtained by  
the San Diego City Attorney's Office from  
San Diego Mayor Jerry Sander's Office  
regarding Sunroad Enterprises**

**Documents Posted on Website on June 18, 2007**



**OFFICE OF MAYOR JERRY SANDERS  
CITY OF SAN DIEGO  
MEMORANDUM**

**DATE** : May 30, 2007  
**TO** : Michael J. Aguirre, City Attorney  
**FROM** : Abby Jarl, Mayoral Assistant *AJ*  
**SUBJECT** : Response to Request under Provisions of San Diego City Charter Section 40

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In response to your memorandum dated May 24, 2007, requesting copies of documentation related to Sunroad.

Enclosed are all documents, memorandums and correspondence responsive to your request as follows:

Item#

- 1 – To: Michael Aguirre; From: James Waring; Date: Feb. 2, 2007; Subject: Sunroad Enterprise/Sunroad Holding Corporation
- 2 – To: James Waring; From: Aaron Feldman; Date: April 25, 2007; Subject: City of San Diego, et al. v. Sunroad Centrum L.P., et al., GIC 877054
- 3 – To: James Waring; From: Andrea Guerrero; Date: March 14, 2007; Subject: Sunroad Enterprises' Notification of Additional Damages and Construction Crane
- 4 – To: Tom Story; From: Marcela Escobar-Eck; Date: Dec. 21, 2006; Subject: 8620 Spectrum Center Blvd. Approval 303319
- 5 – To: Michael Neal, et al; From Stath Karras; Date: Oct. 16, 2006; Subject: Alan Beaulieu Event
- 6 – To: James Waring; From: Steven Strauss; Date: Dec. 6, 2006; Subject: Sunroad/FAA
- 7 – To: James Waring; From: Tom Story; Date: Oct. 26, 2006; Subject: Lichman Letter to David Miller
- 8 – To: James Waring; From: Tom Story; Date: Nov. 14, 2006; Subject: final corrected version of Centrum 12 FAA Chronology
- 9 – To: James Waring; From Steven Strauss; Date: Dec. 5, 2006; Subject: Notice to stop work dates October 27, 2006, with respect to permit number 30331 for job address 8620 Spectrum Center Blvd. (the "Notice")
- 10 – To: James Waring; From: Tom Story; Date: Dec. 12, 2006; Subject: Centrum 1 Stop Work Order
- 11 – To: Tom Story; From: Jim Waring; Date: Dec. 12, 2006; Subject: Centrum 1 Stop Work Order
- 12 – To: Jim Waring, et al; From: Enoch Light; Date: Dec. 19, 2006; Subject: Mtg w/Aaron Feldman & Tom Story re: Sunroad
- 13 – To: Jim Waring; From: Arte Europa; Date: Jan. 30, 2007; Subject: Sunroad Meeting, 1/29/07
- 14 – To: Jim Waring, et al; From: Brigitte Caric; Date: Feb. 12, 2007; Subject: Sunroad – Feb. 12, 2007 Letter to K. Urie from SMS
- 15 – To: Michael Aguirre, et al; From: Steven Strauss; Date: March 13, 2007; Subject: Sunroad Enterprises' Notification of Additional Damages and Construction Crane

16 – To: Jim Waring; From: Steven Strauss; Date: Feb. 12, 2007; Subject: FW: Sunroad-City of San Diego: Feb 7, 2007 – Letter to K. Urie from SMS re City Attorney's Notice of Nuisance

17 – To: Tom Story; From: Marcela Escobar-Eck; Date: Dec. 21, 2006; Subject: 8620 Spectrum Center Blvd. Approval 303319

18 – To: Jim Waring, et al; From: Enoch Light; Date: Dec. 19, 2006; Subject: Mtg w/Aaron Feldman and Tom Story re: Sunroad

19 – To: Jim Waring, et al; From: Enoch Light; Date: Jan. 8, 2007; Subject: SR 905 Mtg

20 – Appointment; Date: Jan. 10, 2007; Subject: Aaron Feldman Meeting

21 – To: Steven Strauss, et al; From: Michael Calabrese; Date: April 20, 2007; Subject: Approval of Panel for Administrative Appeal of Stop Work Order Sunroad Centrum 1 Building

22 – To: James Waring; From: Richard Vann; Date: April 9, 2007; Subject: none

23 – To: James Waring; From: Aaron Feldman; Date: Feb. 7, 2007; Subject: Sunroad Centrum FAA Proposal

24 – To: James Waring; From: Steven Strauss; Date: Dec. 5, 2006; Subject: Notice to stop work dated Oct. 27, 2006, with respect to permit number 30331 for Job Address 8620 Spectrum Center Blvd. (the "Notice")

25 – To: James Waring; From: Barbara Lichman; Date: Dec. 1, 2006; Subject: Sunroad Centrum – Proposal to resolve FAA "Hazard" issues at Montgomery Field

26 – To: Joe Harris; From: Tom Story; Date: Nov. 21, 2006; Subject: Centrum 12 Office Tower, 8620 Spectrum Center Blvd.

27 – Appointment; Date: May 3, 2006; From: Enoch Light; Subject: Toyota Chula Vista Grand Opening Event

28 – Appointment; Date: June 11, 2006; From: Enoch Light; Subject: San Diego Fire and Rescue Helicopter Unveiling with Sunroad Enterprises

29 – Appointment; Date: Dec. 19, 2006; From: Enoch Light; Subject: Conference Call re: Sunroad

30 – To: Jim Waring, et al; From: Enoch Light; Date: Dec. 19, 2006; Subject: Mtg w/Aaron Feldman & Tom Story re: Sunroad

31 – To: Jim Waring, et al; From: Enoch Light; Date: Jan. 8, 2007; Subject: SR 905 Mtg

32 – To: Jim Waring, et al; From: Enoch Light; Date: Feb. 26, 2007; Subject: Possible Mtg w/Aaron Feldman

33 – To: Jim Waring, et al; From Enoch Light; Date: Feb. 26, 2007; Subject: Mtg w/Aaron Feldman

34 – To: Distribution; From: Debbie Wake; Date: March 21, 2007; Subject: Donation of Gift to the City

35 – Appointment; Date: Feb. 13, 2007; Subject: IROC Follow up

36 – To: Jim Waring, et al; From: Enoch Light; Date: Feb. 26, 2007; Subject: Mtg w/ Aaron Feldman

37 – To: Alejandra Gavaldon, et al; From Alejandra Gavaldon; Date: Feb. 13, 2007; Subject: Confirmed – IROC (follow up meeting)

38 – To: Alejandra Gavaldon, et al; From Alejandra Gavaldon; Date: Feb 8, 2007; Subject: Confirmed – IROC meeting w/Lani, Tom S., Chuck Spinks

39 – To: Fred Sainz; From Staci Ignell; Date: June 11, 2006; Subject: Staff Mayor: San Diego Fire Rescue Helicopter Unveiling with Sunroad Enterprises

Office of  
The City Attorney  
City of San Diego

Mayor ✓  
Kris  
Julie  
Fred  
File

MEMORANDUM

**DATE:** May 24, 2007  
**TO:** Mayor Jerry Sanders  
**FROM:** Michael J. Aguirre, City Attorney  
**SUBJECT:** Request Under the Provisions of San Diego City Charter Section 40

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This is a request made under the provisions of San Diego City Charter Section 40, which states that "The City Attorney shall have charge and custody:

- a. Any and all communications,<sup>1</sup> scheduled meetings and telephone conversations scheduled for Jerry Sanders with Aaron Feldman, Tom Story, Favilla Ruderman, Craig Bachman or any representatives of "Sunroad," between May 10, 2006 and May 10, 2007.
- b. Any and all communications (as defined in footnote), scheduled meetings and telephone conversations for Fred Sainz with Aaron Feldman, Tom Story, Favilla Ruderman, Craig Bachman or any representatives of "Sunroad," between May 10, 2006 and May 10, 2007.
- c. Any and all communications (as defined in footnote), scheduled meetings and telephone conversations for Kris Michelle with Aaron Feldman, Tom Story, Favilla Ruderman, or Craig Bachman between May 10, 2006 and May 10, 2007.
- d. Any and all communications (as defined in footnote), scheduled meetings and telephone conversations between James T. Waring with Aaron Feldman, Tom Story, Favilla Ruderman, Craig Bachman or any representatives of "Sunroad," between May 10, 2006 and May 10, 2007.
- e. Any and all communications (as defined in footnote), scheduled meetings and telephone conversations between Julie Dubick with Aaron Feldman, Tom Story, Favilla Ruderman, Craig Bachman or any representatives of "Sunroad," between May 10, 2006 and May 10, 2007.

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<sup>1</sup> "Communications" means any handwriting, typewriting, printing, Photostatting, photographing photocopying, transmitting, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing including any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby crafted, regardless of the manner in which the record has been stored.

May 24, 2007

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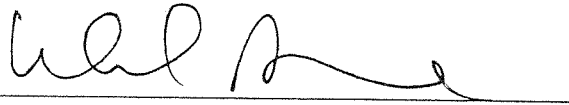
- f. Any and all communications (as defined in footnote), scheduled meetings and telephone conversations between Julie Dubick and Mitchell Dubick that include the keywords "Aaron Feldman," "Feldman," "Tom Story," "Story," "Favilla Ruderman," "Craig Bachman," "Sunroad," "Montgomery Field," "Spectrum," and "Centrum," between May 10, 2006 and May 10, 2007

This is a request made under the provisions of San Diego City Charter Section 40, which states that "The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to City the pertaining to his office, and, upon a receipt thereof, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of the office."

This is a formal request to have this information delivered to the San Diego City Attorney by 10 a.m. on the morning of 31 May 2007. Should you require more time to meet the request, please call me at (619) 236-6220 to arrange for a date to turn over the responsive documents.

Thank you for your assistance. Should you treat this as a request under the provisions of the CPRA and need an extension to the statutory response deadline, please contact me at (619) 236-6220.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Aguirre", written over a horizontal line.

Michael J. Aguirre  
San Diego City Attorney

MJA

# 1

CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: February 2, 2007

TO: Michael Aguirre, City Attorney

FROM: James T. Waring, Deputy Chief of Land Use and Economic Development

SUBJECT: Sunroad Enterprise/Sunroad Holding Corporation

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In response to your letter dated January 25, 2007, requesting copies of documents, records and writings regarding Sunroad Enterprise/Sunroad Holding Corporation.

Enclosed are writings, documents, memorandums and correspondences as follows:

Item#

- 1 - Letter dated Jan. 24, 2007 re: Sunroad Centrum
- 2 - Letter dated Jan. 23, 2007 re: Response to Letter dated Jan. 19, 2007
- 3 - Example Project Chart
- 4 - Written Meeting Notes of Dec. 8, 2006
- 5 - Letter dated Dec. 5, 2006 re: Notice to Stop Work dated Oct. 27, 2006
- 6 - Letter dated Dec. 1, 2006 re: Sunroad Centrum – Proposal to Resolve FAA Issues
- 7 - Sunroad Centrum 12 Chronology of Key Events
- 8 - Fax re: Letter dated Oct. 24, 2006 re: AOPA
- 9 - Fax re: Letter dated Oct. 25, 2006 re: Sunroad Centrum Bldg Stop Work Order
- 10- Letter dated Oct. 24, 2006 re: Sunroad Centrum 2 – Permit Application
- 11- Letter dated Oct. 19, 2006 re: Sunroad Centrum Building 1
- 12- Comprehensive Land Use Plan
- 13- Letter dated Dec. 21, 2006 re: 8620 Spectrum Center Blvd. Approval 303319
- 14- Letter dated Dec. 15, 2006 re: Sunroad Centrum Building 14 at Montgomery Field
- 15- Letter dated Dec. 13, 2006 re: Sunroad Centrum 1 Bldg. at Montgomery Field
- 16- Memo dated Dec. 1, 2006 re: Sunroad Enterprises, Inc. Centrum 1 Bldg. Stop Work Notice
- 17- Letter dated Nov. 28, 2006 re: Appeal by Sunroad Enterprises Stop Work Order of 10-27-06
- 18- Letter dated June 23, 2006 re: Request for Initiation of an Amendment to the New Century Center Master Plan, Development Standards and Design Manual
- 19- Dated Apr. 18, 2006 re: Map to Sunroad
- 20- Dated May 11, 2006 re: Centrum
- 21- Dated May 11, 2006 re: Scheduling
- 22- Dated May 25, 2006 re: Scheduling
- 23- Dated July 26, 2006 re: Sunroad Centrum - 14 Substantial Conformance Review
- 24- Dated July 27, 2006 re: Sunroad Centrum - 14 Substantial Conformance Review

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Here are electronic mail documents for the stated period.

- 25- Dated Oct. 12, 2006 re: Sunroad Bldg. near MYF
- 26- Dated Oct. 12, 2006 re: Development Services
- 27- Dated Oct. 17, 2006 re: Sunroad
- 28- Dated Oct. 17, 2006 re: Sunroad
- 29- Dated Oct. 19, 2006 re: Sunroad
- 30- Dated Oct. 23, 2006 re: Sunroad
- 31- Dated Oct. 25, 2006 re: Sunroad
- 32- Dated Oct. 25, 2006 re: Sunroad
- 33- Dated Oct. 25, 2006 re: Sunroad
- 34- Dated Oct. 25, 2006 re: Sunroad
- 35- Dated Oct. 25, 2006 re: Sunroad
- 36- Dated Oct. 25, 2006 re: Sunroad
- 37- Dated Oct. 25, 2006 re: Sunroad
- 38- Dated Oct. 26, 2006 re: Lichman Letter to David Miller
- 39- Dated Oct. 26, 2006 re: Sunroad
- 40- Dated Oct. 26, 2006 re: Sunroad
- 41- Dated Oct. 26, 2006 re: Sunroad
- 42- Dated Oct. 26, 2006 re: Sunroad Centrum Bldg 1 Response to Request for Stop Work Order
- 43- Dated Oct. 26, 2006 re: Sunroad Centrum Bldg 1 Response to Request for Stop Work Order
- 44- Dated Oct. 26, 2006 re: Sunroad Centrum
- 45- Dated Oct. 26, 2006 re: Sunroad Centrum Bldg 1 Response to Request for Stop Work Order
- 46- Dated Oct. 27, 2006 re: Stop Work Order
- 47- Dated Oct. 27, 2006 re: Sunroad Letter
- 48- Dated Oct. 30, 2006 re: Sunroad Building
- 49- Dated Nov. 9, 2006 re: People noticing workers on top floor of Sunroads building
- 50- Dated Nov. 14, 2006 re: Sunroad Centrum 12 FAA issue timeline
- 51- Dated Nov. 14, 2006 re: Sunroad
- 52- Dated Nov. 14, 2006 re: Corrected version of Centrum 12 FAA Chronology
- 53- Dated Nov. 15, 2006 re: Photos of the Sunroad Bld at various visibilities
- 54- Dated Nov. 15, 2006 re: Centrum – Airport Advisory Committee Meeting
- 55- Dated Nov. 28, 2006 re: Sunroad – FAA 11-8-06 Appeal Ltr to J. Waring
- 56- Dated Nov. 29, 2006 re: Sunroad Briefing doc
- 57- Dated Dec. 4, 2006 re: Letter dated December 1, 2006
- 58- Dated Dec. 4, 2006 re: Letter dated December 1, 2006
- 59- Dated Dec. 6, 2006 re: CA's visit to DSD-Sunroad
- 60- Dated Dec. 6, 2006 re: Sunroad/FAA
- 61- Dated Dec. 6, 2006 re: AAC Update on my meeting with Sunroad Enterprises 12/5
- 62- Dated Dec. 7, 2006 re: Sunroad/FAA
- 63- Dated Dec. 7, 2006 re: MND – Sunroad Centrum 1 Building
- 64- Dated Dec. 7, 2006 re: Sunroad Projects

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- 65- Dated Dec. 8, 2006 re: Sunroad/FAA
- 66- Dated Dec. 11, 2006 re: Sunroad Update as of 12-8
- 67- Dated Dec. 11, 2006 re: Sunroad/FAA - Letter agreement w/ City
- 68- Dated Dec. 11, 2006 re: Your Editorial – Fly by the book
- 69- Dated Dec. 12, 2006 re: Your Editorial – Fly by the book
- 70- Dated Dec. 12, 2006 re: Centrum 1 Stop Work Order
- 71- Dated Dec. 12, 2006 re: Sunroad Spectrum – 12 questions
- 72- Dated Dec. 12, 2006 re: Centrum 1 Stop Work Order
- 73- Dated Dec. 12, 2006 re: Sunroad building article 12-11-06
- 74- Dated Dec. 12, 2006 re: Sunroad building article 12-11-06
- 75- Dated Dec. 12, 2006 re: Your Editorial - Fly by the book
- 76- Dated Dec. 12, 2006 re: Your Editorial -Fly by the book
- 77- Dated Dec. 13, 2006 re: Sunroad building article 12-11-06
- 78- Dated Dec. 13, 2006 re: Aguirre on KUSI this mooring
- 79- Dated Dec. 15, 2006 re: FYI only – Sunroad Centrum Residential/PTS #99397
- 80- Dated Dec. 15, 2006 re: Union Tribune Letter
- 81- Dated Dec. 15, 2006 re: Sunroad Dates
- 82- Dated Dec. 15, 2006 re: Sunroad Dates
- 83- Dated Dec. 15, 2006 re: Union Tribune Letter
- 84- Dated Dec. 15, 2006 re: FAA/Sunroad
- 85- Dated Dec. 18, 2006 re: FAA/Sunroad
- 86- Dated Dec. 21, 2006 re: Some Unfinished Business, The answer concerning 160 FT
- 87- Dated Dec. 21, 2006 re: Some Unfinished Business, The answer concerning 160 FT
- 88- Dated Dec. 22, 2006 re: Some Unfinished Business, The answer concerning 160 FT
- 89- Dated Dec. 22, 2006 re: Some Unfinished Business, The answer concerning 160 FT
- 90- Dated Dec. 22, 2006 re: City vs. Sunroad Enterprises
- 91- Dated Dec. 26, 2006 re: City vs. Sunroad Enterprises
- 92- Dated Dec. 26, 2006 re: Sunroad
- 93- Dated Dec. 26, 2006 re: City vs. Sunroad Enterprises
- 94- Dated Dec. 26, 2006 re: Spectrum Sunroad Centrum 12
- 95- Dated Dec. 26, 2006 re: Spectrum Sunroad Centrum 12
- 96- Dated Dec. 26, 2006 re: Sunroad
- 97- Dated Dec. 27, 2006 re: Talking points for spectrum
- 98- Dated Dec. 27, 2006 re: Final corrected version of Centrum 12 FAA Chronology
- 99- Dated Dec. 27, 2006 re: Attorney's office - Sunroad Project 8620 Spectrum Center Bl.
- 100- Dated Jan. 4, 2007 re: Sunroad appeal re. Building near Montgomery Field
- 101- Dated Jan. 4, 2007 re: Sunroad appeal granted by Planning Department
- 102- Dated Jan. 4, 2007 re: Sunroad appeal re. Building near Montgomery Field
- 103- Dated Jan. 10, 2007 re: Sunroad
- 104- Dated Jan. 11, 2007 re: City adds CAASD & AOPA to Sunroad lawsuit
- 105- Dated Jan. 16, 2007 re: Sunroad Building near Montgomery Field
- 106- Dated Jan. 17, 2007 re: Kearny Mesa Planning Group meeting Wed Jan 17



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- 107- Dated Jan. 22, 2007 re: Sunroad
- 108- Dated Jan. 22, 2007 re: Sunroad Centrum Residential Third Assessment Letter
- 109- Dated Jan. 22, 2007 re: Sunroad
- 110- Dated Jan. 23, 2007 re: Talking points for spectrum
- 111- Dated Jan. 23, 2007 re: Sunroad
- 112- Dated Jan. 23, 2007 re: Sunroad Centrum 12-Office Building & Permit Chronology
- 113- Dated Jan. 23, 2007 re: Your letter of Jan. 19 \_ 1 doc
- 114- Dated Jan. 23, 2007 re: Photos 8620 Spectrumn
- 115- Dated Jan. 23, 2007 re: Final corrected version of Centrum 12 FAA Chronology
- 116- Dated Jan. 23, 2007 re: Photo
- 117- Dated Jan. 23, 2007 re: Take a look & give me your comments
- 118- Dated Jan. 23, 2007 re: Letter to FAA
- 119- Dated Jan. 23, 2007 re: Sunroad permit
- 120- Dated Jan. 23, 2007 re: What it's Worth
- 121- Dated Jan. 24, 2007 re: Aguirre targets tower near Montgomery
- 122- Dated Jan. 24, 2007 re: Complete Sunroad timeline and accompanying documents
- 123- Dated Jan. 24, 2007 re: Sunroad permit
- 124- Dated Jan. 24, 2007 re: Complete Sunroad timeline and accompanying documents
- 125- Dated Jan. 26, 2007 re: Sunroad Centrum-12 Timeline final 072607.doc
- 126- Dated Jan. 29, 2007 re: City of San Diego v. Sunroad Centrum 34 al GIC 877054
- 127- Dated Jan. 29, 2007 re: Sunroad Document Request
- 128- Dated Jan. 29, 2007 re: Sunroad Document Request
- 129- Dated Jan. 29, 2007 re: Sunroad Document Request
- 130- Dated Jan. 30, 2007 re: Current state of Sunroad roof construction
- 131- Dated Jan. 30, 2007 re: Current state of Sunroad roof construction
- 132- Dated Jan. 30, 2007 re: Sunroad & related records
- 133- Dated Jan. 31, 2007 re: Sunroad procedures
- 134- Dated Jan. 31, 2007 re: Sunroad procedures
- 135- Dated Jan. 31, 2007 re: Aguirre Second Notice of Nuisance
- 136- Dated Jan. 31, 2007 re: Sunroad procedures
- 137- Dated Jan. 31, 2007 re: Sunroad building

Listed below are the electronic appointment records pertaining to the above subject.

- 138- Dated Jun 9, 2006 re: Weekly Staff Pre-Brfg with Mayor Sanders
- 139- Dated Jun 13, 2006re: Jim Bartell - Discuss Sunroad/SDG&E
- 140- Dated Dec. 19, 2006 re: Sunroad Teleconf. call
- 141- Dated Dec. 19, 2006 re: Mtg w/Aaron Feldman & Tom Story re: Sunroad
- 142- Dated Jan. 8, 2007 re: SR 905
- 143- Dated Jan. 10, 2007 re: Aaron Feldman Meeting

RECEIVED MAR 16 2007

4445 Eastgate Mall  
Suite 400  
San Diego, California  
92121  
(858) 362-8500  
Fax: (858) 362-8448

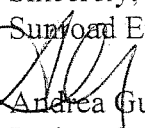
March 14, 2007

City of San Diego  
Mr. James T. Waring  
Deputy Chief Operating Officer  
202 C Street – 9<sup>th</sup> Floor  
San Diego CA 92101

Ref: Sunroad Enterprises' Notification of Additional Damages and  
Construction Crane.

Dear Mr. Waring:

Enclosed please find copy of letter from Steven M. Strauss of Cooley Godward Kronish,  
LLP., for your information and files.

Sincerely,  
Sunroad Enterprises  
  
Andrea Guerrero  
Project Coordinator

/ag  
Encls/1  
File/copy



THE CITY OF SAN DIEGO

DSO

SUNROAD

13

#4

December 21, 2006

VIA FACSIMILE TO RICHARD D. VAN  
858/362-8448

Mr. Tom Story  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

Dear Mr. Story,

Subject: 8620 Spectrum Center Blvd. Approval 303319

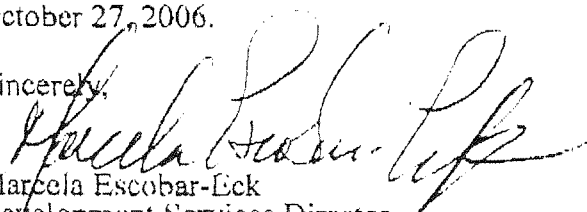
Development Services Department of the City of San Diego has reviewed your letter of request to install the weather proof covering on the 12-story structure mentioned above.

In the interest of saving the structure from damage which could be caused by weather, your request will be allowed for this phase of construction for the items discussed at the field meeting of December 21, 2006 with Joe Harris subject to your concurrence with the terms of this letter.

The "Stop Work Order," issued December 13, 2006, halting work on the top twenty feet (20' Ft) of the structure, shall remain in place.

This is based on our understanding that Sunroad accepts and acknowledges that any work performed from and after the date of the Notice (i.e., October 27, 2006) is at Sunroad's own risk and without any claim against the City. Specifically, Sunroad acknowledges and agrees that neither Sunroad nor its representatives may, under any circumstances, make any claim or assert any argument against the City for any costs or expenses of any type incurred after October 27, 2006 with respect to the work, nor assert in any way that the lifting of the Notice estops the City from pursuing the remedies that may result from the ongoing FAA inquiry. Said another way, whatever rights either party has vis-à-vis the other party will be the rights as they existed on October 27, 2006.

Sincerely,

  
Marcela Escobar-Eck  
Development Services Director

JH/lgb

Accepted and Agreed:

\_\_\_\_\_  
Tom Story

\_\_\_\_\_  
Date



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155  
Tel (619) 446-5460

#5

**Jim Waring - Alan Beaulieu Event**

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**From:** "Stath Karras" <Karras@burnhamrealestate.com>  
**To:** "Michael Neal" <mneal@hgfenton.com>, "Steve Scott" <sscott@kilroyrealty.com>, "Paul M. Twardowski" <ptwardowski@hines.com>, "Marshall Lees" <marshall@sloughusa.com>, "James C. Callaghan Jr." <jcalla@qualcomm.com>, "Michael McNerney" <MMcNerney@LoweEnterprises.com>, "Malcolm O'Donnell" <modonnell@carramerica.com>, "Jim Waring" <jwaring@sandiego.gov>, "David Thomas" <thomas@lbarealty.com>, "Peter Lloyd" <peter.lloyd@rreef.com>, "Scott Brusseau" <sbrusseau@newportnational.biz>, "Christopher Wood" <chris.wood@opuswest.com>, "Don Ankeny" <dankeney@westcore.net>, "Aaron Feldman" <afeldman@sunroadenterprises.com>, "Stephen Bowers" <SBowers@gmsrealty.com>, <mlituchy@jaypaul.com>, <kbaumgartner@mcmillin.com>, "Sue Russell" <Russell@burnhamrealestate.com>, <jkratzer@jmi-inc.com>  
**Date:** 10/16/2006 11:03:26 AM  
**Subject:** Alan Beaulieu Event  
**CC:** "Jim Munson" <JMunson@burnhamrealestate.com>, "Jon Walz" <Walz@burnhamrealestate.com>, "Eric Johnson" <ejohnson@burnhamrealestate.com>

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I look forward to seeing you next Tuesday (October 24<sup>th</sup>) for our event with Alan Beaulieu at the Lodge at Torrey Pines. As a reminder, we will start serving coffee and breakfast at 7:45 a.m. with Alan's program starting at 8:30 a.m. **The event will be at the Torrey Pines Lodge.** We expect to have everyone out of there by 1:00-1:30 p.m. The lunch will include many of our Burnham professionals. The event with Alan will include Burnham's senior management team, along with the following San Diego real estate leaders.

Mike Neal, H.G. Fenton  
Steve Scott, Kilroy  
Aaron Feldman, Sunroad  
Paul Twardowski, Hines  
Matt Lituchi, Jay Paul  
Jim Callaghan, Qualcomm  
Mike McNerney, Lowe Enterprises  
Malcolm O'Donnell, Carr America  
Jim Waring, City of San Diego  
David Thomas, LBA  
Peter Lloyd, RREEF  
Scott Brusseau, Newport National  
Chris Wood, Opus West Development  
Don Ankeny, Westcore  
Ken Baumgartner, Corky McMillin  
Steve Bowers, GMS  
Malin Burnham, Burnham  
John Kratzer, JMI Realty

We are still waiting to hear from 3-4 others. This is a very dynamic list of San Diego real estate leaders and should make for good interaction. I look forward to seeing you next Tuesday.

If you have questions, please let me know.



**Stath Karras**

President & CEO

4435 Eastgate Mall, Suite 200, San Diego, CA 92121

Direct: 858.334.4001 | Fax: 858.334.6700

E-mail: [karras@burnhamrealestate.com](mailto:karras@burnhamrealestate.com) | Web: [www.burnhamrealestate.com](http://www.burnhamrealestate.com) |

[http://www.burnhamrealestate.com/about/profile.php?person\\_id=107](http://www.burnhamrealestate.com/about/profile.php?person_id=107)

#6

**From:** "Strauss, Steven" <sms@cooley.com>  
**To:** <JWaring@sandiego.gov>  
**Date:** Wed, Dec 6, 2006 8:47 AM  
**Subject:** Sunroad/FAA

<<2006-12-05 Sunroad-FAA Ltr from SMS to J. Waring re Notice to Stop Work with Respect to Permit No 30331.pdf>> Jim: Attached is the letter I sent you today.

Regards,  
Steve

-----Original Message-----

From: Strauss, Steven  
Sent: Tuesday, December 05, 2006 5:12 PM  
To: Dan Feldman (dfeldman@sunroadenterprises.com); Tom Story (tstory@sunroadenterprises.com); Vann, Richard  
Cc: Levinson, Michael; Caric, Brigitte  
Subject: Sunroad/FAA: 2006-12-05 Sunroad-FAA Ltr from SMS to J. Waring re Notice to Stop Work with Respect to Permit No 30331.pdf

#7

**Jim Waring - Lichman Letter to David Miller**

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**From:** "Tom Story" <tstory@sunroadenterprises.com>  
**To:** <jwaring@sandiego.gov>  
**Date:** 10/26/2006 10:41:33 AM  
**Subject:** Lichman Letter to David Miller  
**CC:** "Ricia Hager" <RHager@calairlaw.com>

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Jim,

I just spoke to Lichman's office and revisions are being made to the draft letter right now. We will have an electronic version to you, David and Marcela by noon today.

Tom Story  
V.P. Development  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

858-362-8500  
858-362-8448 (Fax)

#8

**Jim Waring - final corrected version of Centrum 12 FAA Chronology**

---

**From:** "Tom Story" <tstory@sunroadenterprises.com>  
**To:** <jwaring@sandiego.gov>, <mescobareck@sandiego.gov>  
**Date:** 11/14/2006 2:16:49 PM  
**Subject:** final corrected version of Centrum 12 FAA Chronology  
**CC:** "Steve Strauss" <sms@cooley.com>, "Rick Vann" <RVann@sunroadenterprises.com>, "Dan Feldman" <dfeldman@sunroadenterprises.com>, "Craig Bachmann" <cbachmann@sunroadenterprises.com>, "Jordan Coopersmith" <jcoopersmith@sunroadenterprises.com>, "Karen Williams" <kwilliams@sunroadenterprises.com>

---

Tom Story  
V.P. Development  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

858-362-8500  
858-362-8448 (Fax)



## **Sunroad Centrum 12 Chronology of Key Events re: Airport issue**

Prepared by Tom Story & Craig Bachmann

November 14, 2006

Revised 2:00 pm

- June 14, 2005 Buzz Gibbs announces to the Airport Advisory Committee the Centrum 12 project is being reviewed by the Kearny Mesa Planning Group the following day. Buzz recalls having the plans and elevations for the proposed project for AAC review.
- June 15, 2005 Kearney Mesa Planning Group recommends 'cladding' parking structure (11-2-0)
- Oct. 19, 2005 KMPG recommends approval (9-2-0)
- Feb. 10, 2005 City Approves Centrum 12 (at 180')
- Feb. 24, 2006 Grading Permit issued
- Mar. 6, 2006 Grading commenced
- Mar. 27, 2006 Framing and Foundation Permit Issued (at 180')
- April 4, 2006 Concrete pouring commenced
- April 5, 2006 FAA Notice of Proposed Construction filed by Dan Munch (BPA)
- April 24, 2006 FAA Notice of Presumed Hazard
- June 9, 2006 Maxim crane moved to project site
- On or about June 11 FAA Notice to Airmen (NOTAM) issued for crane
- June 13, 2006 Notice of Presumed Hazard posted for Maxim Crane
- June 15, 2006 Sunroad letter to FAA notifying them of crane at 330' and commitment to lighting and marking the crane as well as lowering it to 180' at night and on weekends
- June 20, 2006 Sunroad letter to FAA stating intent to build to 160' while we study our options.
- June 22, 2006 FAA Application to build to 160' filed by George Williams (Williams Aviation)
- June 22, 2006 Notice of Actual Construction filed by George Williams (Williams Aviation)
- June 27, 2006 FAA Notice of Non-Hazard at 160'
- July 7, 2006 Building Permit issued (at 180')
- July 26, 2006\* FAA Notice of Proposed Alteration (to build to 180') filed by George Williams
- July 26, 2006\* Notice of Completion (FAA Form 7460-2) filed by George Williams
- Aug. 8, 2006 Centrum 12 steel topped out
- Aug. 11, 2006 FAA Notice of Hazard Determination
- Aug. 22, 2006 Postmark on mailed Notice of Hazard Determination
- Oct. 27, 2006 Stop Work Order issued by Development Services Dept. (DSD)

\* The FAA Notice of Proposed Alteration (Form 7460-1) and FAA Notice of Completion (Form 7460-2) were filed on the same day because the vertical structural steel members above 160' are approximately 20 feet. Form 7460-1 was required when the constructor was ready to exceed 160'. Filing Form 7460-2 is required within 5 days of reaching the building maximum height. Williams Aviation recommended filing Form 7460-2 the same day since the building's maximum height had been attained with the placement of the first vertical steel member.

December 5, 2006

Steven M. Strauss

T: (858) 550-6006  
sms@cooley.com

Mr. James T. Waring  
Deputy Chief Operating Officer  
Land Use and Economic Development  
Office of the Mayor  
City of San Diego  
202 C Street, 9th Floor  
San Diego, CA 92101

Re: Notice to Stop Work dated October 27, 2006, with Respect to Permit Number 30331 for  
Job Address 8620 Spectrum Center Blvd. (the "**Notice**")

Dear Jim:

We are writing to confirm the following matters with respect to the Notice as agreed between our client, Sunroad Centrum Office I, L.P. ("**Sunroad**"), and the City of San Diego (the "**City**") with respect to Sunroad's Centrum 1 building (the "**Building**"):

1. The City hereby lifts the Notice and grants to Sunroad the authority to resume work with respect to the top 17 feet of the Building until the earlier to occur of (a) completion of the Building, including without limitation issuance of a certificate of occupancy, or (b) final determination and resolution of the FAA matter.
2. Sunroad accepts and acknowledges that any work performed from and after the date hereof with respect to the top 17 feet of the Building is at Sunroad's own risk and without any claim against the City.
3. The City shall reasonably cooperate with Sunroad with respect to the matters relating to a new or revised Instrument Approach Procedure as outlined in numbered items (1) through (5) of the December 1, 2006, letter to you from Chevalier, Allen & Lichman.
4. Except as set forth elsewhere in this letter, each of Sunroad and the City reserves all other rights and remedies with respect to the Notice as of the date hereof.



Mr. James T. Waring  
December 5, 2006  
Page Two

Please sign below to confirm the City's agreement with the matters set forth in this letter.

Thanks much.

Sincerely,

A handwritten signature in black ink that reads "Steven M. Strauss". The signature is fluid and cursive.

Steven M. Strauss

Accepted and Agreed:

---

James T. Waring, on behalf of the City of San Diego

522542 v3/SD

410

**Jim Waring - Centrum 1 Stop Work Order**

---

**From:** "Tom Story" <tstory@sunroadenterprises.com>  
**To:** <jwaring@sandiego.gov>  
**Date:** 12/12/2006 3:00:46 PM  
**Subject:** Centrum 1 Stop Work Order

---

Jim,

The person we met with in DC (FAA) is Kevin Hagerty at 202 267-8783.

I'd like to suggest if you are going to discuss the FAA's position vis-à-vis our meeting with them that it might be helpful if I were in on the call. I could have our DC FAA lobbyist set this up if you like.

Aaron also asked me to address FAA's understanding that our proposal for the localizer or ILS is intended to address the Part 77 encroachment, not only for Centrum 1 but also for the next two buildings (at their current planned height i.e. 180' and 200'). We were clear with FAA and they concurred that the solution for Centrum 1 should also address the same issues for the next two buildings.

Tom Story  
V.P. Development  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

858-362-8500  
858-362-8448 (Fax)

411

**Jim Waring - Re: Centrum 1 Stop Work Order**

---

**From:** Jim Waring  
**To:** Tom Story  
**Date:** 12/12/2006 4:26:59 PM  
**Subject:** Re: Centrum 1 Stop Work Order

---

Tom;

Can you set it up for between 8 and 9 our time tomorrow morning? If so, call my cell 858 354 9201 and let me know.

For what it is worth, I suggest you are making a tactical error in not solving building 1 and then and only then dealing with 2 and 3.

Jim

>>> "Tom Story" <tstory@sunroadenterprises.com> 12/12/2006 3:00:10 PM >>>

Jim,

The person we met with in DC (FAA) is Kevin Hagerty at 202 267-8783.

I'd like to suggest if you are going to discuss the FAA's position vis-à-vis our meeting with them that it might be helpful if I were in on the call. I could have our DC FAA lobbyist set this up if you like.

Aaron also asked me to address FAA's understanding that our proposal for the localizer or ILS is intended to address the Part 77 encroachment, not only for Centrum 1 but also for the next two buildings (at their current planned height i.e. 180' and 200'). We were clear with FAA and they concurred that the solution for Centrum 1 should also address the same issues for the next two buildings.

Tom Story  
V.P. Development  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

858-362-8500  
858-362-8448 (Fax)

413

**Jim Waring - Sunroad Meeting, 1/29/07**

---

**From:** "Arte Europa" <arte-europa@san.rr.com>  
**To:** <jwaring@sandiego.gov>  
**Date:** 1/30/2007 7:17:46 AM  
**Subject:** Sunroad Meeting, 1/29/07  
**CC:** "'Mike Tussey'" <MTussey@sandiego.gov>, <jbarwick@sandiego.gov>, <tprice@sandiego.gov>

---

Jim W.,

Yesterday, Terry Price and I met with Tom Story and his aviation consultants to discuss their proposal to install an instrument approach at MYF, and what they wanted in return, regarding their buildings. I made it clear that Terry and I were there to discuss the technical aspects and efficacy of their approach proposal, and not to endorse or offer policy judgments. Tom Story accepted that condition and decided that the next step would be for him to have a discussion with you.

As to the details and outcome of the meeting, I shall phone you this morning before or after my 0800-1100 Ethics seminar.

Regards,  
M

#19

**From:** "Caric, Brigitte" <bcaric@cooley.com>  
**To:** "Strauss, Steven" <sms@cooley.com>, <tstory@sunroadenterprises.com>, <JWaring@sanidiego.gov>  
**Date:** Mon, Feb 12, 2007 3:14 PM  
**Subject:** Sunroad - Feb. 12, 2007 Letter to K. Urie from SMS

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**CC:** "Dan Feldman" <dfeldman@sunroadenterprises.com>, <karen@hutchenspr.com>, "Crovella, Dennis" <dcrovella@cooley.com>

February 12, 2007

Steven M. Strauss

VIA FACSIMILE AND MAIL

T: (858) 550-6006  
sms@cooley.com

Kimberly A. Urie  
Deputy City Attorney  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

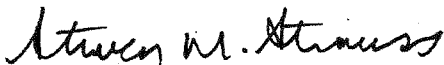
**Re: City Attorney's Notice of Nuisance**

Dear Ms. Urie:

Thank you for your letter dated February 8, 2007. This will confirm that your letter supersedes and withdraws the January 30, 2007 "Notice that Property is a Nuisance (Penal Code Section 373a)" and January 31, 2007 "Second Notice Of Nuisance (Penal Code Section 373a)." Please let me know immediately if this understanding is incorrect in any way.

We appreciate your invitation to discuss the City's prior approvals of this project and to address any remaining concerns your office may have. Sunroad has cooperated with local, state, and federal authorities in this matter from the beginning. We will gladly continue that dialogue with your office. Please let me know your availability for a conference call to discuss this matter.

Sincerely,



Steven M. Strauss

cc: Tom Story  
Jim Waring



March 13, 2007

Steven M. Strauss

BY FACSIMILE AND POSTAL SERVICE

T: (858) 550-6006  
sms@cooley.com

Michael J. Aguirre  
Carmen Brock  
Office of the City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101-4103

Christopher W. Garrett  
Latham & Watkins LLP  
600 West Broadway, Suite 1800  
San Diego, CA 92101-3375

**Re: Sunroad Enterprises' Notification of Additional Damages and  
Construction Crane**

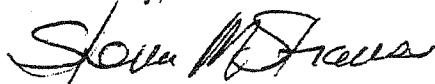
Dear Msrs. Aguirre and Garrett:

As you are aware, construction at the Centrum I Building (the "**Building**") has proceeded in accordance with the City of San Diego's ("**City**") initial Stop Work Order and the December 21, 2006 agreement with the City. The work conducted or planned is consistent with the Stop Work Order or the subsequent agreement and would not raise the Building's height.

Consistent with these parameters, Sunroad must install certain equipment in the Building that can only be accomplished through the use of a construction crane, helicopter lift, or expensive and time consuming on site construction and installation. As outlined in my prior correspondence of February 16, 2007, the Federal Aviation Administration ("**FAA**") declined to approve an application for a helicopter external lift for the purposes of installing the equipment at the Building. The FAA relied on the actions of the City Attorney in denying the request. Following that denial, Sunroad again requested the use of a construction crane for one day for the purpose of installing the equipment. The FAA recently issued a Notice of Presumed Hazard for the construction crane.

Since Sunroad is unable to proceed through a helicopter lift or construction crane, Sunroad is forced to dismantle the equipment in order to carry it into the Building for installation. That process will impact the equipment's warranties and cost in excess of \$100,000 more than the two other alternatives. Consistent with my prior letter of February 16, 2007 and the costs and delays referenced in that letter, this letter is to advise the City Attorney that Sunroad will hold the City liable for the additional expense and delay caused by the City's refusal to allow work consistent with the Stop Work Order and its instruction to the FAA to deny Sunroad's reasonable requests.

Sincerely,



Steven M. Strauss

#16

**From:** "Strauss, Steven" <sms@cooley.com>  
**To:** <JWaring@sanidiego.gov>  
**Date:** Mon, Feb 12, 2007 4:38 PM  
**Subject:** FW: Sunroad-City of San Diego: Feb. 7, 2007 - Letter to K. Urie from SMS re City Attorney's Notice of Nuisance

<<2007-02-07 - Sunroad-City of San Diego Letter to K. Urie from SMS re City Attorney's Notice of Nuisance.pdf>> fyi

Steven M. Strauss  
Partner  
Cooley Godward Kronish LLP \* 4401 Eastgate Mall  
San Diego, CA 92121-1909  
Direct: 858/550-6006 \* Fax: 858/550-6420  
Email: sms@cooley.com \* www.cooley.com

-----Original Message-----

From: Caric, Brigitte  
Sent: Wednesday, February 07, 2007 2:30 PM  
To: 'tstory@sunroadenterprises.com'; 'JWaring@sanidiego.gov'; Strauss, Steven  
Cc: 'Feldman, Aaron'; 'Rick Vann'; 'Dan Feldman';  
'karen@hutchenspr.com'; Gunn, Patrick; Crovella, Dennis; Tadlock, Phillip; Schoenbeck, Alison  
Subject: Sunroad-City of San Diego: Feb. 7, 2007 - Letter to K. Urie from SMS re City Attorney's Notice of Nuisance

February 7, 2007

Steven M. Strauss

T: (858) 550-6006  
sms@cooley.com

VIA FACSIMILE AND MAIL

Kimberly A. Urie  
Deputy City Attorney  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

**Re: City Attorney's Notice of Nuisance**

Dear Ms. Urie:

We are writing in response to your letter of January 31, 2007 to our client Sunroad Enterprises ("**Sunroad**"). Sunroad denies the allegations of your letter and the contention that Sunroad has violated the San Diego Municipal Code in any manner. Despite the City Attorney's failure to identify a Municipal Code violation or prove the existence of a public nuisance, Sunroad takes the City Attorney's threats of criminal prosecution very seriously. Sunroad submits this letter to not only to make clear its position with respect to the City Attorney's claims but to correct the record which has been distorted by the City Attorney.

Safety is Sunroad's highest concern. Our business partners, tenants, and the City rely on that basic tenet. Sunroad has been working closely with the City and the Federal Aviation Administration ("**FAA**") to reconfirm to the satisfaction of all that the Sunroad Centrum Building (the "**Building**") poses no safety issue. The City Attorney's actions have unfortunately impeded that process and have thus been a disservice to the people of San Diego.

The City Attorney claims in its letter that the "conditions described above violate the San Diego Municipal Code." While the letter goes on to discuss the FAA, the California Department of Transportation ("**CalTrans**"), and the issuance of the Stop Work Order, it does not inform Sunroad of the Municipal Code Section it is alleged to have violated. Sunroad requests immediate clarification on this issue.

Further, even assuming there was a violation of the Municipal Code (which Sunroad denies), the City has not disclosed to Sunroad how a violation of the Municipal Code constitutes a public nuisance that would fall under California Penal Code 373a. As you know, the predicate to a Penal Code 373a violation is a public nuisance, not that there has been a Municipal Code violation. Please identify the Municipal Code violation which the City Attorney contends has created a public nuisance under Penal Code 373a.

Moreover, the City Attorney's threats of criminal prosecution are improper in light of the fact that no public nuisance has been established (as required under Penal Code 373a). The City Attorney has filed a civil suit seeking to establish that the Building constitutes a public

Kimberly A. Urie  
February 7, 2007  
Page Two

nuisance. Until the question of whether a public nuisance exists is answered by that Court (and Sunroad is confident the Court will find Sunroad's favor), it is premature and inappropriate to threaten criminal prosecution against Sunroad unless it razes the top 26 feet of the Building. Should the City Attorney proceed with its threats and file a criminal action, Sunroad will take all actions necessary to protect its rights, including seeking to enjoin the prosecution of the criminal at action until such time as the civil Court has reached a conclusion on the public nuisance issue.

Finally, none of the "conditions" cited in the letter establish a public nuisance, let alone a violation of the Municipal Code. It appears that the "conditions" referred to are: (1) the FAA determination; (2) the CalTrans permit; and (3) the Stop Work Order. These issues are discussed below.

**The FAA Determination is Not a Finding of Public Nuisance**

The FAA is the sole governmental agency with regulatory authority over the safety of air navigation. *Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624, 626-627 (1973); *see also*, *City of Burbank v. Burbank-Glendale-Pasadena Airport Authority*, (1999) 72 Ca1.App.4th 366, 379. As such, the FAA cannot allow a derogation of "public safety" to exist at any airport. If the FAA were to determine, through evaluation under the procedures set forth in 14 C.F.R. Part 77, that a threat to the safety of air navigation exists, it is required to revise published aeronautical procedures through a Notice to Airmen ("NOTAM"), so as to eliminate the safety hazard. *See*, e.g., FAA Order 7400.2F, § 5-1-3.

As the City Attorney is aware, a NOTAM was issued by the FAA originally on or about June 27, 2006 to accommodate the full 330 foot height of the construction crane used to build the Building. Although the NOTAM has been revised at times over the last 7 months, the key portions of the NOTAM remain in effect. According to FAA Terminal and Approach and Departure Procedures (TERPS), the NOTAM ensures that a pilot emerging from the clouds on approach to Montgomery Field will be more than 300 feet above the full height of the Building. When he or she drops below that altitude, it becomes his or her responsibility to see and avoid a structure, not the FAA's, not the City's and not Sunroad's. The Building itself, therefore, poses no threat to public safety.

In summary, the Building poses no threat to public safety, and the City Attorney's claim that it does is irresponsible and without legal or factual support.

**The CalTrans Permit Process Does Not Establish a Public Nuisance**

The CalTrans regulations have no relation to the declaration of a public nuisance. The statute provides that any structure that exceeds FAA Part 77 height standards must apply for a permit. This regulation has specific enforcement mechanisms and penalties (PUC § 21019), none of which are controlled by the City Attorney nor implicate a violation of the Municipal Code.

To be more specific, the Building is 0.7 nautical miles away from Montgomery Field, and it falls outside of all airport land use designated zones including the Montgomery Field Airport Environs Overlay Zone ("AEOZ"). Although the Municipal Code § 132.0201 states the purpose of the AEOZ is to ensure "that the applicable provisions of California Public Utilities Code Section 21659, as administered by the California Department of Transportation (Caltrans), are satisfied," this statute has no effect because the Centrum development is outside the AEOZ.

Further, Sunroad never violated state law, knowingly or any other way. Although Sunroad has twice submitted requests for a permit from CalTrans, Sunroad has since discovered that the regulations implementing the alleged permit requirement contained in Public Utilities Code § 21659 were repealed in 1997. CalTrans has failed and refused, since that time, to comply with the procedures mandated by the California Administrative Procedures Act, Govt. Code § 11340, et seq., to legally reenact implementing regulations. As Sunroad has discussed with CalTrans on several prior occasions, in the absence of implementing regulations, any attempt by CalTrans to exercise discretion to grant or deny a permit would be an abuse of that discretion, and patently outside the scope of CalTrans' authority.

Simply put, there has been no violation of any Caltrans' regulations; and, even if a violation existed, it would not constitute a violation of the SDMC as the City Attorney's letter implies.

**The Stop Work Order Does Not Establish a Public Nuisance**

As the City Attorney well knows, the City issued a Stop Work Order on October 27, 2006 with respect to the top seventeen feet of Sunroad's Building. Pursuant to § 121.0309(c) of the San Diego Municipal Code, Sunroad appealed the Stop Work Order on November 28, 2006. On December 13, 2006, the City issued a second Stop Work Order covering the top twenty feet of the Building.

On December 21, 2006, the City, your client, sent a letter to Sunroad authorizing Sunroad to perform certain limited work on the Building consistent with a December 21, 2006 field meeting with Joe Harris. The authorization was subject to Sunroad's concurrence with the terms of the letter which required Sunroad to bear the risk of the additional work. Sunroad signed and returned the letter on December 27, 2006. See Attachment A.

At no time after the October 27 or December 13 Stop Work Orders up until December 26, 2006, did Sunroad conduct any work in violation of those Stop Work Orders, as the City

Kimberly A. Urie  
February 7, 2007  
Page Four

Attorney has falsely accused. After December 26, 2007, Sunroad has performed only those items discussed in the December 21, 2006 field meeting with respect to the top twenty feet of the Building.

In short, the existence of the Stop Work Order provides no basis for the City Attorney to allege a public nuisance or a violation of the Penal Code.

**Conclusion**

The Building poses no threat to public safety, is not a public nuisance, and has vested development rights (in favor of Sunroad). Rather than ignoring the authorities and proceeding with the Building, as the City Attorney contends, Sunroad has been working tirelessly with the City and FAA to demonstrate the correctness of its position and to answer all questions. Sunroad is currently endorsing that the City petition the FAA to permanently raise the circling minimums to Runway 28R by 20 feet in response to the Building. Such changes will actually lower the minimums specified in the current NOTAM which provide for the construction cranes. Sunroad agrees to voluntarily limit the height of buildings 2 and 3 to 180 feet unless and until the City and FAA have approved a suitable landing approach which would allow the buildings to exceed the 180 foot height limit.

The City Attorney's refusal to acknowledge or participate in the City and Sunroad's constructive efforts is unfortunate for the City and the general public. The City Attorneys' factual distortions concerning the project and the new and utterly baseless threat of criminal prosecution are not merely counterproductive, they irresponsibly expose the City to significant liability and malicious prosecution. Sunroad reserves all rights to recover damages against the City for its actions.

Sincerely,



Steven M. Strauss

Enclosure

cc: Tom Story  
Jim Waring



## THE CITY OF SAN DIEGO

December 21, 2006

VIA FACSIMILE TO RICHARD D. VAN  
858/362-8448Mr. Tom Story  
Sunroad Enterprises  
4445 Eastgate Mall, Suite 400  
San Diego, CA 92121

Dear Mr. Story,

Subject: 8620 Spectrum Center Blvd. Approval 303319

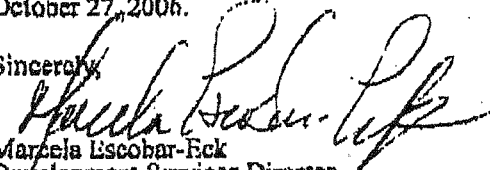
Development Services Department of the City of San Diego has reviewed your letter of request to install the weather proof covering on the 12-story structure mentioned above.

In the interest of saving the structure from damage which could be caused by weather, your request will be allowed for this phase of construction for the items discussed at the field meeting of December 21, 2006 with Joe Harris subject to your concurrence with the terms of this letter.

The "Stop Work Order," issued December 13, 2006, halting work on the top twenty feet (20' Ft) of the structure, shall remain in place.

This is based on our understanding that Sunroad accepts and acknowledges that any work performed from and after the date of the Notice (i.e., October 27, 2006) is at Sunroad's own risk and without any claim against the City. Specifically, Sunroad acknowledges and agrees that neither Sunroad nor its representatives may, under any circumstances, make any claim or assert any argument against the City for any costs or expenses of any type incurred after October 27, 2006 with respect to the work, nor assert in any way that the lifting of the Notice estops the City from pursuing the remedies that may result from the ongoing FAA inquiry. Said another way, whatever rights either party has vis-à-vis the other party will be the rights as they existed on October 27, 2006.

Sincerely,

  
Marcela Escobar-Eck  
Development Services Director

JH/lgb

Accepted and Agreed:

  
Tom Story

Date

RICHARD VAN

Development Services

1779 East Avenue MC 601 - San Diego, CA 92101



#18

141

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring  
**Date:** Tue, Dec 19, 2006  
**Time:** 4:30 PM - 5:00 PM  
**Subject:** Mtg w/Aaron Feldman & Tom Stroy re: Sunroad (Jim Waring)  
**Place:** Mayor's Office

**CC:** Shelia Billiard



From: Enoch Light  
To: Enoch Light; Jim Waring  
Date: Mon, Jan 8, 2007  
Time: 9:30 AM - 10:30 AM  
Subject: SR 905 Mtg (Jim Waring)  
Place: Mayor's Large Conference Room

#19

142

Attendees: Jimmy Ayala (Pardee Homes), Hack Adams (Murphy Development), Guy Asaro & Tom Tomlinson (Both from McMillin), Tom Story (Sunroad Enterprise), Lance Waite (Integral Communities) Dave Nielsen (MNA Consulting). Hack Adams is filling in for Mike Murphy who is having minor surgery on Monday.

Contact: Dave Nielsen (619) 252-1368 cell, (619) 239-9877 x 14, office or Dave's Assistant, Susanne Bankhead x10.

CC: Shelia Billiard

#20

## Jim Waring - Aaron Feldman Meeting

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143

**From:**  
**Date:** 1/10/2007  
**Time:** 3:30 PM - 4:30 PM  
**Subject:** Aaron Feldman Meeting  
**Place:** CAB 9 - Jim's office


---

Aaron (858) 362-8450

CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: April 20, 2007

TO: Steven Strauss, Cooley Godward Kronish  
Carmen Brock, Deputy City Attorney

FROM: Michael Calabrese, Chief Deputy City Attorney 

SUBJECT: Approval of Panel for Administrative Appeal of Stop Work Order  
Sunroad Centrum 1 Building

REFERENCE: SDMC §121.0309(c)

---

On October 27, 2006, the City, acting through the Development Services Department ("DSD"), issued a Stop Work Order (the "Order") to Sunroad Enterprises ("Sunroad") with respect to work on the top seventeen feet of a building that Sunroad has been constructing near the intersection of Spectrum Center Boulevard and Kearny Villa Road. On November 28, 2006, Sunroad, through a letter from its attorneys Cooley Godward Kronish, LLP, notified the City that it was appealing the Order under SDMC §121.0309(c). According to SDMC §121.0309(c), such an appeal may be taken to the City Manager (now the Mayor), and reviewed by the Development Services Director. This appeal has not been resolved.

The Mayor's office has appointed a three-member panel, comprised of City Officials with no prior connection to this controversy, to hear this appeal. The panel consists of City Treasurer Gail Granewich, Metropolitan Wastewater Department Director Tim Bertch, and Assistant Director of Intergovernmental Relations Brent Eidson.

I have been appointed as independent legal advisor to the hearing panel. I will discharge these responsibilities entirely separately from the City Attorney and those deputies engaged in any other aspect of this controversy, per *Howitt v. Superior Court*, 3 Cal. App. 4th 1575, 1586-87 (1992).

The panel will hear the appeal on Friday, May 18, 2007 at 1:00 p.m. at a location to be determined. I will contact you soon regarding procedural matters.

cc: James Waring, Deputy COO, Land Use and Economic Development  
Gail Granewich, City Treasurer  
Tim Bertch, Director, Metropolitan Wastewater Department  
Brent Eidson, City Assistant Director of Intergovernmental Relations  
Christopher Garrett, Latham & Watkins LLP  
Marcela Escobar-Eck, Director, Development Services Department  
Karen Heumann, Assistant City Attorney  
Julie Dubick, Office of the Mayor

April 9, 2007

Mr. James Waring  
Deputy Chief  
City of San Diego  
Land Use and Economic Development  
202 C Street, 9th Floor  
San Diego, CA 92101

Dear Mr. Waring:

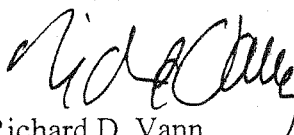
The Sunroad Centrum I building is nearing completion and although the leasing efforts have been greatly affected due to the existing controversy, we are in negotiation with many potential tenants.

Specifically we are in talks with insurance companies for 75,000 square feet and 15,000 square feet respectively, a ground floor restaurant that would occupy approximately 5,000 square feet as well as others.

Clearly our main concern is to be able to assure these tenants that they will be able to occupy the building at the completion of their tenant improvements. To that end we are proceeding with the understanding that the building will receive a Certificate of Occupancy, in a timely fashion; otherwise we will suffer further damages if these tenants are unable to be assured occupancy.

Your prompt response will be most appreciated.

Cordially yours,

  
Richard D. Vann  
Executive Vice President  
President, Real Estate Division

February 7, 2007

Mr. James T. Waring  
Land Use and Economic Development  
Office of the Mayor  
City of San Diego  
202 C Street, 9th Floor  
San Diego, CA 92101

RECEIVED FEB 7 2007

**Re: Sunroad Centrum FAA Proposal**

Dear Mr. Waring:

On behalf of Sunroad Enterprises, I write regarding the Sunroad Centrum Building ("Building") located in Kearny Mesa near the City's Montgomery Field. I respectfully request the City consider the following proposal:

First, the City to notify the FAA in writing that the City desires to permanently raise the circling minimums by 20 feet to account for the Building.

Second, the City to ask the FAA if Montgomery Field, with the current NOTAM's in place, is safe for aircraft operations. A clear and concise answer to this point would also assist in resolving the misunderstanding between FAA and the City Attorney.

Third, the City to immediately remove the Stop Work Order. The Stop Work Order is causing Sunroad substantial damages and is causing the Corporation irreversible harm by the perception that Sunroad has acted incorrectly. Without an immediate lifting of the Stop Work Order, our damages will soon be devastating.

In exchange, Sunroad agrees to voluntarily limit the height of buildings 2 and 3 to 180 feet despite building 2 being fully designed at 200 feet and building 3 planned at 220 feet, unless and until the City and FAA have approved a suitable landing approach which would allow the buildings to exceed the 180 foot height limit.

The above proposal, to raise the circling minimum by 20 feet and limit the height of the two remaining buildings pending approval by the FAA and City, could eliminate the 'hazard determination' and permanently end the debate.

Sunroad is hopeful that it can work with the City, despite the pending lawsuit and threats of criminal prosecution, to achieve a permanent solution acceptable to all interested parties. Sunroad truly believes that the City is in the best position to advance the proposal outlined above.

Your immediate attention to this request would be greatly appreciated.

Sincerely,

  
Aaron Feldman  
President

December 5, 2006

Steven M. Strauss

T: (858) 550-6006  
sms@cooley.com

Mr. James T. Waring  
Deputy Chief Operating Officer  
Land Use and Economic Development  
Office of the Mayor  
City of San Diego  
202 C Street, 9th Floor  
San Diego, CA 92101

Re: Notice to Stop Work dated October 27, 2006, with Respect to Permit Number 30331 for  
Job Address 8620 Spectrum Center Blvd. (the "Notice")

Dear Jim:

We are writing to confirm the following matters with respect to the Notice as agreed between our client, Sunroad Centrum Office I, L.P. ("Sunroad"), and the City of San Diego (the "City") with respect to Sunroad's Centrum 1 building (the "Building"):

1. The City hereby lifts the Notice and grants to Sunroad the authority to resume work with respect to the top 17 feet of the Building until the earlier to occur of (a) completion of the Building, including without limitation issuance of a certificate of occupancy, or (b) final determination and resolution of the FAA matter.
2. Sunroad accepts and acknowledges that any work performed from and after the date hereof with respect to the top 17 feet of the Building is at Sunroad's own risk and without any claim against the City.
3. The City shall reasonably cooperate with Sunroad with respect to the matters relating to a new or revised Instrument Approach Procedure as outlined in numbered items (1) through (5) of the December 1, 2006, letter to you from Chevalier, Allen & Lichman.
4. Except as set forth elsewhere in this letter, each of Sunroad and the City reserves all other rights and remedies with respect to the Notice as of the date hereof.



Mr. James T. Waring  
December 5, 2006  
Page Two

Please sign below to confirm the City's agreement with the matters set forth in this letter.

Thanks much.

Sincerely,

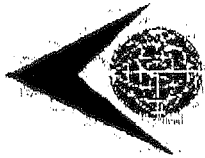
A handwritten signature in cursive script, appearing to read "Steven M. Strauss".

Steven M. Strauss

Accepted and Agreed:

\_\_\_\_\_  
James T. Waring, on behalf of the City of San Diego

522542 v3/SD



# CHEVALIER, ALLEN & LICHMAN LLP

Attorneys at Law

Aviation Law & Litigation • Environmental Law & Litigation • Commercial Litigation

December 1, 2006

Jim Waring  
Deputy Chief Operating Officer  
Department of Land Use and Economic Development  
City of San Diego  
202 C Street, MS9B  
San Diego, CA 92101

Re: Sunroad Centrum - Proposal to Resolve FAA "Hazard" Issues  
at Montgomery Field

Dear Mr. Waring:

This letter is for the purpose of proposing a permanent resolution of the issues raised by the Federal Aviation Administration's ("FAA") imposition of a "hazard" determination<sup>1</sup> on Centrum 12, the first of three office buildings planned and approved by the City of San Diego ("City") as part of Sunroad Centrum, a mixed use project located at 8620 Spectrum Center Boulevard, San Diego, California.

It should be emphasized at the outset that Sunroad's principal goal in this process is to ensure the safety of the airport, the public and of its future tenants. Consistent with that goal, Centrum 12, at its current height of 180 feet, is not a safety threat. That is because the FAA has already issued a Notice to Airmen ("NOTAM"), raising the minimum altitude for a circling approach to Runway 10 to accommodate the 330 foot height of the construction crane used to build Centrum 12.<sup>2</sup> The current minimum altitude is, thus, more than 400 feet above the roof of

---

<sup>1</sup> A determination pursuant to 14 C.F.R. Part 77 that a structure constitutes a "hazard" to air navigation.

<sup>2</sup> This circling approach, the principal basis for the "hazard" determination, is used very rarely at Montgomery Field, only about 6% of the time during the last 20 years, as attested by some long standing incumbents on the airfield, and only by instrument rated pilots when the wind deviates from its usual west flow and comes from the east as during Santa Ana conditions.

Gary M. Allen, Ph.D.  
John Chevalier, Jr.\*  
Rich R. Hager  
Bernie C. Hart  
Barbara E. Lichman, Ph.D.  
Jacqueline E. Serna, LL.M.\*  
Frederick C. Woodruff\*

\*Retired  
\*Admitted in New York  
\*Of Counsel

695 Town Center Drive, Suite 300  
Costa Mesa, California 92626  
Telephone (714) 384-6530  
Facsimile (714) 384-6521  
E-mail: cal@calallaw.com

#125



DEC 14 06 10:00  
FROM: [REDACTED]  
JIM WARING  
Deputy Chief Operating Officer  
Department of Land Use and Economic Development  
City of San Diego  
December 1, 2006  
Page 2

Centrum 12,<sup>3</sup> thus preventing any aircraft on approach from coming within a distance equaling approximately the height of a 40 story building above the top of Centrum 12. This NOTAM for the crane will ultimately either remain in effect indefinitely, or be replaced with either a new or revised Instrument Approach Procedure ("IAP") that will ensure that aircraft remain safely clear of the Centrum development.

That having been said, the objective of this letter is to commence the process of working with the City toward the goal of increasing the airport's safety, while at the same time allowing Sunroad's fully vested project to proceed in accordance with Sunroad's own plans and the City's approvals. Sunroad's proposal to resolve the "hazard" determination issue has five parts:

(1) That Sunroad fund a feasibility study for the development of a Straight-In IAP such as an ILS or Localizer type approach for Runway 10, thus eliminating a critical aspect of the "hazard determination" for the entire project, eliminating the need for a circling approach to Runway 10, and increasing the safety and accessibility of the airport under all wind flow conditions;

(2) That the City agree to accept the conclusions of Sunroad's feasibility study, and, if it determines a Straight-In IAP is feasible, the City shall formally submit the proposal to the FAA for evaluation;

(3) That Sunroad contribute to the cost of the equipment required for the associated Straight-In IAP;<sup>4</sup>

(4) That the City agree to adjust the visual traffic pattern at Montgomery Field, thus accommodating the project's extension into the altitude of the current traffic pattern, and if deemed necessary, chart such approach for pilots in Visual Flight Rule ("VFR") conditions to ensure awareness of the new procedure; and

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<sup>3</sup> That height includes both the mandatory 300 foot buffer between the top of the highest affected structure and the minimum descent altitude, and the height of the construction crane.

<sup>4</sup> An estimate of potential costs is currently being prepared and will be submitted to the City immediately upon its completion.

DEC-14-06 10:00 AM FROM: JIM WARING  
Jim Waring  
Deputy Chief Operating Officer  
Department of Land Use and Economic Development  
City of San Diego  
December 1, 2006  
Page 3

(5) That upon submission of this letter by Sunroad, and agreement to its provisions by the City, the City will also agree to immediately allow completion of the tasks listed in Attachment A to this letter, as well as installation of electrical and mechanical equipment on the roof and elevator equipment in the elevator penthouse.

## I. BACKGROUND OF THE ISSUE.

Pursuant to its Development Agreement and Vesting Tentative Map for Sunroad Centrum, Sunroad received a Framing and Foundation Permit for a structure of 180 feet on March 27, 2006.

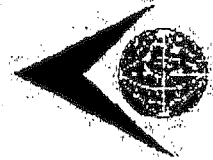
On July 7, 2006, the City issued Sunroad a Building Permit at 180 feet. On July 22, 2006, having verified the accuracy of the FAA's data, Sunroad submitted a second amended Form 7460-1 at 180 feet, in conformance with its Building Permit and all prior approvals. On August 11, 2006, the FAA reissued a Presumed Hazard Determination. On October 27, 2006, after a meeting between City Staff and Sunroad, the City issued a Stop Work Order on the top 17 feet of Centrum 12.

## II. THE FAA'S ROLE.

In order to find a resolution that would allow Sunroad to realize its vested rights while at the same time ensuring the safety of the airport, Sunroad again retained Williams Aviation Consultants to find a functional equivalent of the circling approach. Williams recommended the development of an ILS or Localizer type Straight-In Approach Procedure.

An ILS/Localizer provides course guidance which directs an aircraft on a course straight down the runway centerline to a landing. While the circling approach currently in use is safe, most pilots prefer a Straight-In IAP because it is generally less complex than a circling approach procedure.

Recognizing that the FAA possesses plenary power over the safety of airspace, Sunroad concluded that, before making its proposal to the City, it would solicit the FAA's views on possible resolution options. At a meeting of November 29, 2006, at the FAA's Washington headquarters, attended by, among others, Kevin Haggerty, Manager of the FAA's Division of Obstruction Evaluation, and representatives of Sunroad and its consultants, Sunroad and the FAA jointly discussed various options and implementation procedures that would satisfactorily resolve any outstanding issues.



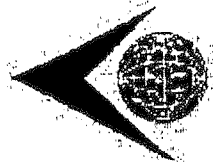
Jim Waring  
Deputy Chief Operating Officer  
Department of Land Use and Economic Development  
City of San Diego  
December 1, 2006  
Page 4

Mr. Haggerty first opined that the Straight-In IAP was a "good move" toward resolving the issue, but could not evaluate it further until the City, as Airport Operator, made a study of its feasibility, and submitted a formal proposal. Parts 1, 2 and 3 of Sunroad's proposal set forth above address this issue. Additional issues such as the need for CEQA review, and revision of the Airport Layout Plan ("ALP") to include the equipment required for the Straight-In IAP should be part of the study and proposal.

Mr. Haggerty further offered that, while the Localizer (or its more complex counterpart, an Instrument Landing System ("ILS") used at larger airports) could potentially remove the building's impact on Instrument Flight Rule ("IFR") operations, thus eliminating the hazard by eliminating the need for a circling approach, there would still remain a second component, the impact on Visual Flight Rule ("VFR") operations, represented by the building's 19 foot extension into the 160 foot horizontal obstruction surface, or traffic pattern altitude used during visual operations to and from the airport. Mr. Haggerty opined that the way to fix this second component was for the City to agree to adjust the airport visual traffic pattern vertically and/or laterally to accommodate the heights of the project's buildings. Sunroad's consultant offered the alternative of a "charted pattern" whereby the airport operator formally publishes the new traffic pattern altitude, a procedure well precededented at airports around the country. Mr. Haggerty agreed that such a proposal by the City should be submitted to, and would be seriously evaluated by, the FAA's Los Angeles Airport Districts Office with cooperation of other divisions such as Flight Standards, keeping an eye to the impacts of the change in altitude minimums on such factors as flight paths into other airports and cumulative impact of all planned building at Sunroad Centrum. He also stated that the evaluation would take between between 30 and 60 days, once the proposal is submitted. Part 4 of Sunroad's proposal addresses the way in which to gain FAA's sanction of this procedure.

### III. COOPERATIVE ACTIONS BY THE CITY AND SUNROAD.

As the governing land use jurisdiction, the City's participation and cooperation at the local as well as Federal level is essential. Sunroad realizes that the studies necessary to implement its proposal are likely to be time consuming. With the Stop Work Order in place, Sunroad is disadvantaged irremediably by each day the interim delay lasts. Sunroad, therefore, requests that the City agree that, in the interim, between the submission of this letter and the FAA's approval of the results of the feasibility study, Sunroad be allowed to proceed with the activities listed in Attachment A to this letter, as well as installation of electrical and mechanical equipment on the roof and elevator equipment in the elevator penthouse.



Jim Waring  
Deputy Chief Operating Officer  
Department of Land Use and Economic Development  
City of San Diego  
December 1, 2006  
Page 5

In return for the City's acquiescence to this limited relief from the Stop Work Order, Sunroad will agree that if, in the final analysis, the proposal outlined in this letter, and all reasonable variations thereto, are determined infeasible by the FAA, Sunroad will assume liability for any work performed that would otherwise fall within the parameters of the Stop Work Order. The City's agreement to partial relief from the Stop Work Order shall not prejudice either the City's or Sunroad's legal position and both sides fully reserve their respective rights.

In summary, Sunroad appreciates the City's willingness to consider avenues of constructive resolution of this issue, and wishes to reassure the City that its goals and those of the City's are identical, i.e., to ensure the safety of the public, while, at the same time, working to ensure its robust economic development and the future welfare of its citizens.

Sincerely,

CHEVALIER, ALLEN & LICHMAN, LLP

Barbara E. Lichman, Ph.D.

Attachment

cc: Marcella Escobar-Ecks  
James Barwick  
David Miller  
Carmen Brock  
Steve Strauss  
Barry Yurnis  
Tom Story  
Dan Feldman  
Rick Vann

**SUNROAD**  
ENTERPRISES

November 21, 2006

Joe Harris  
Chief Specialist Inspector  
City of San Diego  
Development Services Department  
9601 Ridgehaven Ct., Ste. 220  
San Diego, CA 92123

#26  
4445 Eastgate Mall  
Suite 400  
San Diego, California  
92121  
(858) 362-8500  
Fax: (858) 362-8448

Re: Centrum 12 Office Tower, 8620 Spectrum Center Blvd.

Dear Mr. Harris:

Sunroad requests authorization from the Development Services Department to install roofing on the Centrum 12 building located at 8620 Spectrum Center Blvd. The Stop Work Notice issued on October 27, 2006 has so far delayed our construction completion date by 20 days. It is critical that Sunroad be allowed to complete the roof on this structure as soon as possible to protect the existing and in-progress construction work and materials that are being installed in the lower 160 feet of the building and to avoid further delay of our project.

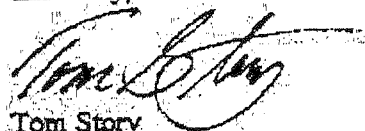
Specifically, Sunroad requests authorization to accomplish the following work that is the minimum necessary to make the roof waterproof:

- 1) Fireproof the elevator penthouse
- 2) Erect scaffolding around the elevator penthouse
- 3) Installation of mechanical and electrical roof curbs
- 4) Framing of the elevator penthouse
- 5) Installation of sheet metal flashing against penthouse framing
- 6) Plastering the elevator penthouse
- 7) Removal of scaffolding upon completion of plastering work
- 8) Installation of roofing at penthouse and building
- 9) Coping at roof parapet

While we clarify our position with the FAA, we believe it prudent that Sunroad be allowed to protect our existing investment in order to minimize the cost and/or liability to the City should Sunroad determine that we must seek compensation for any incurred damages caused by the stop work order.

Thank you for your consideration in this most urgent matter.

Sincerely,

  
Tom Story  
Vice President, Development

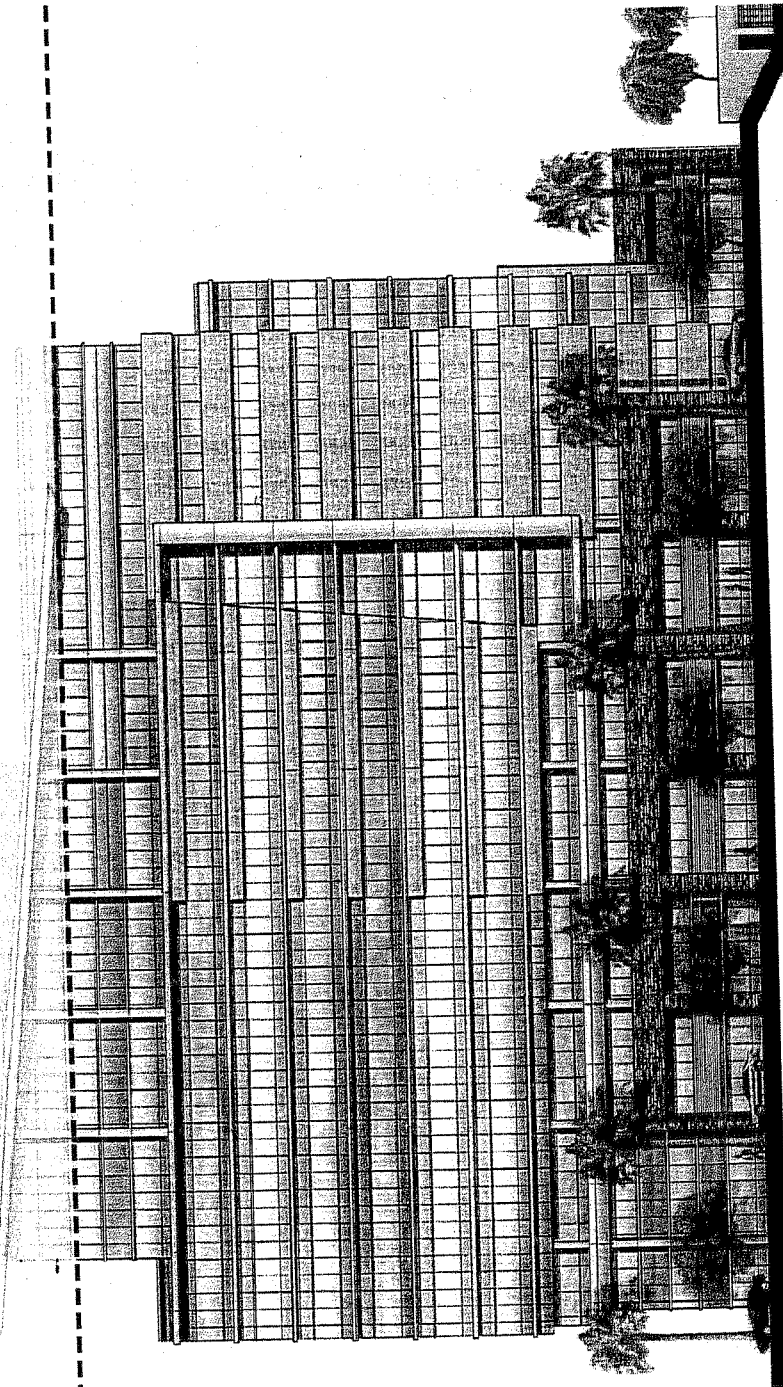
Cc: Marcela Escobar-Eck

180'

160'

163'

3  
+



0 20' 60'

SCALE 1" = 50'-0"

SUNROAD CENTRUM 12  
SOUTH ELEVATION

#27

**From:** Enoch Light  
**Date:** Wed, May 3, 2006  
**Time:** 4:00 PM - 4:30 PM  
**Subject:** Toyota Chula Vista Grand Opening Event  
**Place:** 650 Main Street, Chula Vista, 91911

Aaron Feldman is requesting that you stop by. He knows that you'll be out of town until very late, but that you'll try to drop by.

3:00P - 9:00P Open House

4:00P - Ribbon Cutting Ceremony

#28

**From:** Enoch Light  
**Date:** Sun, Jun 11, 2006  
**Time:** 12:45 PM - 1:45 PM  
**Subject:** San Diego Fire and Rescue Helicopter Unveiling with Sunroad Enterprises (George B)  
**Place:** Maderas Golf Club, 17750 Old Coach Road, Poway, 92064

Contact: Lisa Pollack. Sunroad is calling this event their "Employee Appreciation Day" with a BBQ and many special events. Also in attendance: Fire Chief Jeff Bowman and Supervisor Ron Roberts (maybe). Event is from 12:00pm - 5:00pm. Speeches and unveiling will occur at 1:00pm. 700+ employees and their families will be attending.



#29

**From:** Enoch Light  
**Date:** Tue, Dec 19, 2006  
**Time:** 10:00 AM - 10:15 AM  
**Subject:** Conference Call re: Sunroad  
**Place:** Mayor's Office

#12

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring  
**Date:** Tue, Dec 19, 2006  
**Time:** 4:30 PM - 5:00 PM  
**Subject:** Mtg w/Aaron Feldman & Tom Stroy re: Sunroad (Jim Waring)  
**Place:** Mayor's Office

**CC:** Shelia Billiard

#30

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring  
**Date:** Tue, Dec 19, 2006  
**Time:** 4:30 PM - 5:00 PM  
**Subject:** Mtg w/Aaron Feldman & Tom Stroy re: Sunroad (Jim Waring)  
**Place:** Mayor's Office

**CC:** Shelia Billiard

#31

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring  
**Date:** Mon, Jan 8, 2007  
**Time:** 9:30 AM - 10:30 AM  
**Subject:** SR 905 Mtg (Jim Waring)  
**Place:** Mayor's Large Conference Room

Attendees: Jimmy Ayala (Pardee Homes), Hack Adams (Murphy Development), Guy Asaro & Tom Tomlinson (Both from McMillin), Tom Story (Sunroad Enterprise), Lance Waite (Integral Communities) Dave Nielsen (MNA Consulting). Hack Adams is filling in for Mike Murphy who is having minor surgery on Monday.

Contact: Dave Nielsen (619) 252-1368 cell, (619) 239-9877 x 14, office or Dave's Assistant, Susanne Bankhead x10.

**CC:** Shelia Billiard

#32

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring; Kris Michell  
**Date:** Mon, Feb 26, 2007  
**Time:** 1:00 PM - 1:30 PM  
**Subject:** Possible Mtg w/Aaron Feldman (Not Yet Confirmed)  
**Place:** Mayor's Office

**CC:** Shelia Billiard; Staci Ignell

#33

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring; Kris Michell  
**Date:** Mon, Feb 26, 2007  
**Time:** 1:00 PM - 1:30 PM  
**Subject:** Mtg w/Aaron Feldman (Kris, Jim Waring)  
**Place:** Mayor's Office

**CC:** Shelia Billiard; Staci Ignell

**CITY OF SAN DIEGO  
M E M O R A N D U M**

**DATE:** March 21, 2007  
**TO:** Distribution  
**FROM:** Debbie Wake, Confidential Assistant to the Mayor  
**SUBJECT:** Donation of Gift to the City

---

The below listed property is being donated to the City of San Diego at the request of Mayor Sanders.

Description:

Book, "Leonardo Nierman, el sonido del color, the sound of color" signed "Dear Mayor Jerry Sanders.... from Leonardo Nierman, 2006."

Date of Donation: February 26, 2007

Estimated Value: \$150.00

Useful Life Expectancy: 15 years.

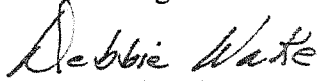
Location of Gifts: Delivered to Records Center

Person Responsible for Gift: N/A

Donor's name and Address:

Aaron Feldman  
Sunroad Enterprises  
4445 Eastgate Mall #400  
San Diego, CA 92121

An acknowledgement from the Clerk's Office is not necessary.

  
Debbie Wake

Distribution: Kathryn Joy, Deputy Director, Records Management, MS#BB50  
Sheila Beale, Records Center Supervisor, MS#BB50  
Marilyn Nguyen, Senior Accountant, Auditor's Office, MS#6A

#35

**Kris Michell - 4:30 - 5:15p.m. - IROC Follow Up**

---

**From:****Date:** 2/13/2007**Time:** 4:30:00 PM - 5:15:00 PM**Subject:** 4:30 - 5:15p.m. - IROC Follow Up**Place:** Large Conference Room

---

Follow Up IROC meeting w/ Lani Lutar, Tom Story and Chuck Spinks, Angelika Villagrana. Also attending: Alejandra, Aundene, Bill, Fred, Job, Julie, Rich Haas.



#36

**From:** Enoch Light  
**To:** Enoch Light; Jim Waring; Kris Michell  
**Date:** Mon, Feb 26, 2007  
**Time:** 1:00 PM - 1:30 PM  
**Subject:** Mtg w/Aaron Feldman (Kris, Jim Waring)  
**Place:** Mayor's Office

**CC:** Shelia Billiard; Staci Ignell

#39

**Fred Sainz - Confirmed- IROC (follow up meeting)**

---

**From:** Alejandra Gavaldon  
**To:** Alejandra Gavaldon; Aundene Hugg; Bill Harris; Fred Sainz; Job Nelson; Julie Dubick; Kris Michell; Richard Haas  
**Date:** 2/13/2007  
**Time:** 4:30:00 PM - 5:30:00 PM  
**Subject:** Confirmed- IROC (follow up meeting)  
**Place:** Large Conference Room  
**CC:** Sabrina Lozano; Staci Ignell

---

NOTE: Meeting time change (original appt at 9:00 am - NOW 4:30) - thanks for your flexibility.

Follow Up IROC meeting w/ Lani Lutar, Tom Story and Chuck Spinks, Angelika Villagrana.

Confirmed in Kris's Calendar

Received confirmation from: Lani, Tom, Chuck and Angelika.

A.

(Fred did not attend)

#38

**Fred Sainz - Confirmed - IROC meeting w/Lani, Tom S., Chuck Spinks**

---

**From:** Alejandra Gavaldon  
**To:** Alejandra Gavaldon; Aundene Hugg; Bill Harris; Fred Sainz; Job Nelson; Julie Dubick; Kris-Michell; Richard Haas  
**Date:** 2/8/2007  
**Time:** 4:00:00 PM - 5:00:00 PM  
**Subject:** Confirmed - IROC meeting w/Lani, Tom S., Chuck Spinks  
**Place:** CAB 11 - Large Conference Room  
**CC:** Sabrina Lozano; Staci Ignell

---

Meeting to discuss IROC w/ Lani Lutar, Tom Story and Chuck Spinks - per their request. Lani will be presenting her proposal to the Chamber's Rates Task Force that same Thursday at a 12:00 meeting (City staff not requested or expected to attend). She will bring proposal to the meeting with us at 4:00 - and share Task Force's feedback on her proposal.

A.

(Fred did not attend)

(Kris Michell did not  
attend, out sick.)

#39

**From:** Staci Ignell  
**To:** Fred Sainz  
**Date:** Sun, Jun 11, 2006  
**Time:** 1:00 PM - 2:00 PM  
**Subject:** Staff Mayor: San Diego Fire and Rescue Helicopter Unveiling with Sunroad Enterprises  
**Place:** TBD

Contact: Lisa Pollack or Aaron Feldman. More details to come, per Staci. Attendance: 1,000.

**CC:** Kevin Klein

(Fred did not attend)